

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GUGGENHEIM CAPITAL, LLC, AND
GUGGENHEIM PARTNERS, LLC,

Plaintiffs,

v.

CATARINA PIETRA TOUMEI, A/K/A LADY
CATARINA PIETRA TOUMEI A/K/A
CATARINA FREDERICK; VLADIMIR
ZURAVEL A/K/A VLADIMIR
GUGGENHEIM A/K/A VLADIMIR Z.
GUGGENHEIM A/K/A VLADIMIR Z.
GUGGENHEIM BANK; DAVID BIRNBAUM
A/K/A DAVID B. GUGGENHEIM; ELI
PICHEL; THEODOR PARDO; DABIR
INTERNATIONAL, LLC AND JOHN DOES
1-10,

Defendants.

Civil Action No. 10-CV-8830-PGG

Hon. Paul G. Gardephe

**PLAINTIFFS' NOTICE OF: (1) ORDER TO SHOW CAUSE FOR DEFAULT
JUDGMENT AND (2) MOTION FOR PERMANENT INJUNCTION, STATUTORY
DAMAGES, AND ATTORNEYS' FEES AGAINST DEFENDANTS DAVID BIRNBAUM
AND DABIR INTERNATIONAL, LLC**

PLEASE TAKE NOTICE that Plaintiffs Guggenheim Capital, LLC and Guggenheim Partners, LLC (collectively "Plaintiffs") will move this Court before the Honorable Paul G. Gardephe, United States District Judge, in Courtroom 6B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1030, New York, New York, on _____, _____, 2011, or at such other place and time as the Court may direct, for the entry of a default judgment containing both injunctive and monetary relief against Defendants David Birnbaum and Dabir International, Ltd. ("Defendants"), pursuant to Federal Rule of Civil Procedure 55(b) and Local Civil Rule 55.2(b) of the United States District Court for the Southern District of New York in

substantially the form of Plaintiff's Proposed Judgment, which will be filed with the Court by hand on April 15, 2011, in accordance with Judge Gardephe's Individual Practices. Plaintiffs' Motion is based upon their supporting Memorandum of Law and Declaration of John J. Dabney, together with the exhibits thereto, which will be filed by hand on April 15, 2011, and all prior pleadings and proceedings herein. Plaintiffs seek permanent injunctive relief, statutory damages under 15 U.S.C. §1117(c), and costs and attorneys' fees under 15 U.S.C. §1117(a) against Defendants.

McDERMOTT WILL & EMERY LLP

April 14, 2011

By:

A handwritten signature in black ink, appearing to be 'Rita Weeks', written over a horizontal line.

Rita Weeks (admitted *pro hac vice*)
John J. Dabney (admitted *pro hac vice*)
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Attorneys for Plaintiffs
Guggenheim Capital, LLC and Guggenheim Partners, LLC

PROOF OF SERVICE***Guggenheim Capital, LLC et al v. Catarina Pietra Toumei, et al***
Civil Action No.10-CV-8830-PGG

I hereby certify that on April 15, 2011, I will cause to be served PLAINTIFFS' NOTICE OF: (1) ORDER TO SHOW CAUSE FOR DEFAULT JUDGMENT AND (2) MOTION FOR PERMANENT INJUNCTION, STATUTORY DAMAGES, AND ATTORNEYS' FEES AGAINST DEFENDANTS DAVID BIRNBAUM AND DABIR INTERNATIONAL, LLC via Federal Express courier and/or email transmission on Defendants or counsel for Defendants as follows:

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| Defendant Catarina Pietra Toumei 6136 Paseo Delicias Rancho Santa Fe, CA 92067 (858) 504-1556 3012 Avenida Ciruela Carlsbad, CA 92009-2916 ladycatarinapietra@gmail.com cat@bestsellingwriter.net cpcount@aol.com | Defendant Theodor Pardo 3610 Yacht Club Drive, Apt. 212 Miami, FL 33180-3542 (786) 208-9646 pardopolis777@msn.com |
| Defendant Vladimir Zuravel 63-10 Dieterle Crescent New York, NY 11374 (347) 242-2304 vz@vzltd.com vladimirzuravel@mail.ru | Defendant David Birnbaum Defendant Dabir International, Ltd. 525 Ocean Parkway Brooklyn, NY 11218 (718) 435-7313 |
| Saskia van de Griek, Esq. (counsel for Defendant Eli Pichel) info@c-lawonline.com | |



 Rita Weeks, Attorney for Plaintiffs